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GROUP 1600

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Patent Examiner Group 1600

To: Ms. Cybille Delacroix-Muirheid From: George H. Scherr, Ph.D.

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Pages: 4 pages total

Phone:

Date: November 6, 2002

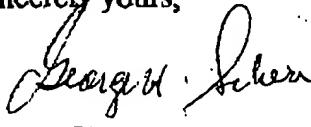
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Application No.: 09/818,928
Filing Date: March 28, 2001
Inventor: George H. Scherr
Examiner: Cybille Delacroix-Muirheid
Patent Examiner Group 1600
Art Unit: 1614
Title: Cellulosic Foam Compositions.

Dear Ms. Delacroix-Muirheid:

Please note that I made a timely response on October 23, 2002, by next day Air UPS. The UPS document was returned last night because the packet was not picked up at the Patent Office. I trust that you might have this logged in at the time sent so that I might not be considered in default.

Sincerely yours,


George H. Scherr, Ph.D.

GHS/jj

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October 23, 2002

**Application No.: 09/818,928
Filing Date: March 28, 2001.
Inventor: George H. Scherr
Examiner: Cybille Delacroix-Muirheid
Art Unit: 1614
Title: Cellulosic Foam Compositions**

Dear Ms. Delacroix-Muirheid:

I should like to acknowledge receipt of your communication and action of October 2, 2002; the remarks therein have been reviewed and are well taken.

The applicant submits, with all due respect, that the two species, for which the examiner cites presumable restriction, are not patentably distinct and applicant will submit evidence herein to sustain his argument.

Note that in U.S. Patent No. 5,688,923 the inventors indicate (column 1, ¶ 6) that the inventors therein have achieved a high-tensile strength fiber of pectins by:

“[0004] (a) Preparing a solution of the pectin to be utilized in the spinning process and filtering through a 5 mu. filter in combination with centrifugation in order to remove undissolved particles that might clog the spinneret.”

Consequently, in order to make the product by a materially different process, such as a wet spinning method as suggested by the examiner, it would be necessary to remove any undissolved particles by going through two operations – filtration and centrifugation to remove such particles which would clog the spinneret. Further, where additional products or medicaments would be desirable to add to the pectin solution that would be placed through a spinneret in order to prepare fibers as suggested by the examiner, where such products would be desirable and essential medicaments, whether soluble or particulate, the use of a spinneret would not be possible, because of the insoluble nature of any particles and also because of changes in rheology and viscosity that would clog the spinneret very readily.

The product as described in our application, whether it cites a method of making a polyvalent cation cross-linked pectin foam or where the product is a composition containing the cross-linked pectin foam are totally distinct and independent of any fiber of a pectin product that could be produced by the wet spinning method. The wet spinning method, as is well-known in the profession, produces fibers. Such fibers have to be cut and carded on a carding machine and if the composition of the pectin is of a very high viscosity and contains a considerable foam composition as are the essential attributes the subject of our application (Italics added), then the products cannot be made by the wet spinning method because the fiber structure of a dressing is materially different from that prepared by the completely unique process for the cellulosic foam pectin composition that we describe. The presence of a foam coupled with the high viscosity of our final product would result in the utilization of extraordinary pressures to force that composition through a spinneret as is utilized in the trade of the wet spinning method. Such a condition would also materially destroy the integrity of any fibers that could be forced through a spinneret even if the fibers could in some way be made to contain a foam composition. Consequently, for all of the reasons cited above, the product that we describe cannot be made by a different process such as the wet spinning method.

Please note that in our application (0020) one of the salient advantages of our invention concerns the feasibility of adding ingredients to the pectin composition, which ingredients may contain properties such as being particulate, having a very high viscosity, or having or resulting in a rheology which makes it undesirable or unfeasible for such compositions to be forced through a fine spinneret to produce the pectin fibers as currently practiced in U.S. Pat. No. 5,688,923.

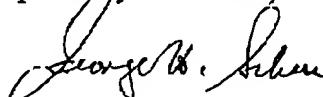
The comments of the examiner in reference to the medicaments is well taken. We have made the elections suggested by the examiner.

Consistent with the examiner's comments, we have elected a single disclosed species for prosecution and claims dependent upon that restriction. Consequently,

- (a) I withdraw claims 32 to 77 inclusive.
- (b) I withdraw claims 24 to 27 inclusive.

Applicant reserves his prerogative to list additional claims that are readable on the species elected by the applicant and/or to reinstate any of the claims withdrawn following the review and action of the examiner.

Respectfully submitted,



George H. Scherr, Ph.D.

GHS/jj

Enc.

